



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,181	05/05/2001	Richard W. Tock	101102/03102	9264

7590 08/23/2002

Alan H. Gordon & Associates  
2925 Briarpark, 9th Floor  
Houston, TX 77042-3728

EXAMINER

VARGOT, MATHIEU D

ART UNIT	PAPER NUMBER
----------	--------------

1732

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,181

Applicant(s)

TOLK et al.

Examiner

M. VARBOT

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 8/5/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above claim(s) 1-6, 15, 21 + 22 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 7-14 + 16-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892 ✓
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1732

1. Applicant's election with traverse of Group II, claims 7-14 and 16-20 in Paper No. 6 is acknowledged. The traversal is on the three different ground(s) set forth in the election. This is not found persuasive concerning point (1) because, as noted in the restriction requirement, the different groups are classified in separate classes and hence would have a different field of search. Although applicant states that no such showing has been made, it indeed has been made-- see the restriction groupings and where they are classified. A general rule of thumb concerning search is that such would at least include the class/subclass where the claim is originally classified. Suffice it to say, the instant inventions are considered to be separate or distinct due to **both** their different classification and recognized divergent subject matter, and hence point number (3) is merely semantics. Applicant's traversal under point (2) has been considered but is also not persuasive. Group I is directed to a composite which absorbs VOCs while Group II is directed to a method for making a composite with a reduction of VOCs and Group III is directed to a method of absorbing VOCs by contacting them with a cellulosic material, each group being capable of supporting a separate patent. Applicant admits that they are indeed distinct and hence the restriction is submitted as proper.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1732

Claim 9, "the wet mixture" lacks antecedent basis from claim 7. The dependency of claim 10 should be changed to claim 9, which initially recites the coating. In claim 10, "the exothermic reaction" should be clearly specified as the curing reaction. Is the polymerization of claim 11 the same as the curing recited in claim 7? Applicant is requested to use consistent terminology in the claims to avoid confusion.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Thrash (col. 2, lines 57-58 and col. 7, lines 27-39) in view of Patel et al (col. 3, lines 38-46).

The primary reference discloses the basic claimed process of adding cellulosic material to a thermosetting resin, Thrash essentially lacking a clear disclosure that the material would be added prior to curing to reduce the emissions of VOCs. Based on the discussion at column 7, lines 27-39, it is assumed inherent in Thrash that the cellulosic material is added prior to curing the resin, and hence it only would need to be shown that the cellulose extender lowers the emissions of volatiles upon curing the resin. Patel et al teaches that adding fillers (ie, additives or extenders) to resins which function as adhesives "reduces the concentration of volatiles of a given compound" (col. 3, lines 38-39). One of ordinary skill in the art would know that fillers or extenders reduce the amount of resin used to make a product and hence would also reduce the amount of volatiles

Art Unit: 1732

given off when the resin cures. Based on the teaching of Patel et al, it is submitted as obvious that adding cellulosic fillers to the thermosetting resins of Thrash would reduce the emissions of volatile organic compounds during cure of the resin. The percent lignin in the cellulosic material of Thrash would have been well within the skill level of the art as would absorbing lignin or its components onto the cellulosic material. Also, Thrash details a suitable size component for the cellulosic material and the exact sizes used would have been obvious dependent on degree of reinforcement desired for the cellulosic material. It is fairly well known in the art to reduce the temperature of curing as a method of reducing volatiles given off during the cure of a resin and such is seen to have been an obvious feature in the combination as applied to in fact limit the volatile emission.

4. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrash in view of Patel et al as applied in paragraph 3, supra and further in view of Benton et al.

Thrash and Patel et al are applied for reasons of record, the references failing to show a coating of cellulosic material being used, the use of a styrene resin, the use of accelerators and limiting the temperature at which the resin cures. Benton et al teaches wax suppressants which form a coating serving as a barrier to VOCs during curing (col. 2, lines 4-16), the use of styrene resins (col. 1, line 51) and the use of accelerators (see col. 4, line 2, "promoters"). Certainly, the instant styrene resin and promotor are well known and would have been obvious in the resin formulation of Thrash to make a strong and durable polyester product quickly. Given that it is known in the art to form VOC barriers on the surfaces of resin articles, it would have been obvious to one of

Art Unit: 1732

ordinary skill in the art to apply a cellulosic coating on the article of Thrash to further facilitate VOC reduction. Claim 13 is rejected for the same reasons given with respect to claim 14 in paragraph 3, supra.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

August 20, 2002

*M. Vargot*  
MATHIEU D. VARGOT  
PRIMARY EXAMINER  
GROUP 1300  
8/20/02